

SIXTH DAY.

Senate Chamber,
Austin, Texas, Oct. 7, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Lasker,
Bailey,	Lawhon,
Beall,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Colquitt,	Rogers,
Darwin,	Sherrill,
Dean,	Simpson,
Dickson,	Smith,
Gage,	Steele,
Goss,	Tips,
Greer,	Whitaker,
Harrison,	Woods.

Absent, excused.

Atlee, Stafford,

Absent, not excused.

Dibrell, Shelburne.
Presler,

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

Senator Darwin, who had been absent from the beginning of the special session till to-day, appearing and answering at roll call, was excused for said non-attendance, on motion of Senator Steele.

On motion of Senator Boren, Senator Presler was excused for non-attendance on last Saturday and to-day.

The following House message was received:

House of Representatives.
Austin, Texas, October 5, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bill, to-wit:

Senate bill No. 5, "An act to amend article 3893, of the Revised Civil Statutes of the State of Texas relating to the investment of the permanent school fund," with House amendments.

Passed by following vote: ayes 74, nays 14.

Respectfully,

CHESTER HAILE,
Chief Clerk.

HOUSE AMENDMENTS.

Amend the caption by striking out all of the caption after the word "amend" and insert in lieu thereof the following:

Section 3 of an act, passed by the Twenty-third Legislature and approved May 20th, 1893, entitled "An act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the office of State and county superintendents; providing for their election and salary, and prescribing their qualifications and duties; prescribing the duties of other officers in reference to public schools and public school funds; making county judges ex officio county superintendents in all counties not having county superintendents, and providing for their compensation; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of school districts in all the counties of this State; providing for the levy and collection of special taxes for the further maintenance of the public free schools, and the erection of school houses; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder, and preventing the altering or changing of teachers' certificates; regulating the transfer of the school funds; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; and providing penalties for refusing to answer questions in regard to the age of children, and other penalties for violation of the provisions of this act; repealing all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency," relating to the investment of the permanent school fund.

Amend section 1 by striking out all of said section after the enacting clause and inserting in lieu thereof the following:

"That section 3 of an act passed by the Twenty-third Legislature and approved May 20th, 1893, entitled 'An act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds; providing for the investment of the permanent fund, and the apportionment of the available fund; defining the duties of certain State officers in reference to the public free schools; creating the office of State and county superintendents; providing for their election and salary, and prescribing their qualifications and duties; prescribing the duties of other officers

in reference to public schools and public school funds; making county judges ex officio county superintendents in all counties not having county superintendents, and providing for their compensation; providing for the election of school trustees, and prescribing their qualifications and duties; providing for the creation of school districts in all the counties of this State; providing for the levy and collection of special taxes for the further maintenance of the public free schools, and the erection of school houses; providing for boards of examiners and the issuance of teachers' certificates; providing compensation and prescribing the duties of teachers employed thereunder, and preventing the altering or changing of teachers' certificates; regulating the transfer of the school funds; fixing the scholastic age; providing for taking the scholastic census; authorizing trustees to administer oaths; and providing penalties for refusing to answer questions in regard to the age of children, and other penalties for violation of the provisions of this act; repealing all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency,' relating to the investment of the permanent school fund.

"Section 3. Nothing in the preceding article shall be so construed as to relieve the Comptroller or the Board of Education from the duty of a careful examination of any bonds offered as an investment for the permanent public free school fund of the State, an investigation of the facts tending to show the value and validity thereof, and such Board of Education may decline to purchase the same unless satisfied that they are a safe and proper investment for such funds; and no county bonds shall be purchased as an investment for the permanent public free school fund that do not bear interest at the rate of at least four per centum per annum, and it shall be the duty of the State Board of Education and Comptroller to decline to purchase the bonds of any county whose indebtedness, inclusive of the bonds so offered, shall exceed five per centum of the assessed value of the real estate in such county; and if default be made in the payment of interest when due upon such bonds, the State Board of Education may, at any time prior to the payment of such over due interest, elect to treat the principal as also due; the same shall thereupon, at the option of the State Board of Education, become due and payable, and the payment of both such principal and interest shall in all cases be enforced in such manner as is or may be provided

by law, and the right to enforce such collection shall never be barred by any law or limitation whatever; provided, however, that in each case when a premium is paid for any bonds, the amount of such premium shall first be returned to the permanent school fund out of the interest arising from such bonds before any of such interest shall be applied to the available school fund."

Senator Beall called up

Senate bill No. 5, a bill to be entitled "An act to amend article 3893 of the Revised Civil Statutes of the State of Texas, relating to the investment of the permanent school fund,"

Which had just been reported from the House as passed with amendments (see above), and moved that the Senate refuse to concur in said amendments, and that a free conference committee be appointed to consider the differences of the two houses.

Senator Tips moved as a substitute that the amendments be referred to the Committee on Education, said committee to report as early as possible.

After discussion, and pending action, Senator Steele made the point of order that the motion to refer to the Committee on Education was not in order, for the reason such action was without precedent, and also that the rules provide for conference committees to adjust the differences between the two houses.

Sustained.

The question then being on non-concurring in said House amendments, the Senate refused to concur by the following vote (those voting aye voting for non-concurrence):

Yeas—17.

Agnew,	Lewis,
Beall,	McKinney,
Bowser,	Rogers,
Colquitt,	Sherrill,
Dean,	Simpson,
Gage,	Smith,
Greer,	Steele,
Harrison,	Whitaker.
Lawhon,	

Nays—7.

Boren,	Lasker,
Darwin,	Tips,
Dickson,	Woods.
Goss,	

Absent, excused.

Atlee,	Presler,
McComb,	Stafford.

Absent, not excused.

Bailey,	Shelburne.
Dibrell,	

The Chair, in accordance with the above, appointed Senators Beall, Steele,

Lewis, Sherrill and Gage as free conference committee on part of the Senate.

The following message from the House was received:

HOUSE MESSAGE.

House of Representatives.

Austin, Texas, October 7, 1895.

Hon. Geo. T. Jester, President of Senate:
I am directed by the House to inform the Senate that the House has passed the following resolution, to-wit:

Resolved, that a committee of three be appointed by the Speaker, in connection with a like committee from the Senate, to wait upon his Excellency, the Governor, and inform him that the called session of the Twenty-fourth Legislature is now about to adjourn sine die, and will receive any communication he may desire to make.

Upon which committee Messrs. O'Neal, Bounds and Burney have been appointed on the part of the House.

Respectfully,

CHESTER HAILE,
Chief Clerk.

The above having been adopted by the Senate, the Chair appointed Senators Agnew, Bowser and Gage, as committee on part of the Senate.

Senate Boren offered the following:

Resolved, that Mr. Jimmy Sims be allowed two days after adjournment of the Senate, in which to clean up the Senate chamber and cloak rooms, and that he be allowed the usual pay for porters for said services.

Adopted by the following vote:

Yeas—12.

Boren,	Lawhon,
Dean,	Rogers,
Dickson,	Sherrill,
Goss,	Simpson,
Harrison,	Whitaker,
Lasker,	Woods.

Nays—9.

Beall,	McKinney,
Colquitt,	Smith,
Darwin,	Steele,
Greer,	Tips.
Lewis,	

Absent, excused.

Atlee,	Presler.
McComb,	Stafford.

Absent, not excused.

Bailey,	Shelburne.
Dibrell,	

Absent on committee work.

Agnew,	Gage.
Bowser,	

Senator Beall then made the following

FREE CONFERENCE COMMITTEE REPORT.

Committee Room.

Austin, Texas, October 7, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Free Conference Committee, to whom was referred

Senate bill No. 5, a bill to be entitled "An act to amend article 3893 of the Revised Civil Statutes of the State of Texas, relating to the investment of the permanent school fund."

Have had the same under consideration, and we report the same back to the Senate with the recommendation:

First, that the Senate concur in the first House amendment to the caption.

Second, that the Senate concur in the House amendments to section 1 of said bill with the exception of the following proviso: "provided, however, in each case when a premium is paid for any bonds, the amount of such premiums shall first be returned to the permanent school fund out of the interest arising from such bonds, before any of such interest shall be applied to the available school fund," and that this proviso be stricken out.

All of which is respectfully submitted.

BEALL,
STEELE,
LEWIS,
SHERRILL,
GAGE.

Committee on part of Senate.

MILLS,
DASHIELL,
RHODES of Van Zandt,
HENDERSON,

Committee on part of House.

Senator Beall moved to adopt the above report.

Adopted by the following vote:

Yeas—17.

Agnew,	Lawhon,
Bailey,	Lewis,
Beall,	Sherrill,
Bowser,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Gage,	Whitaker,
Goss,	Woods.
Lasker,	

Nays—7.

Colquitt,	McKinney,
Darwin,	Rogers,
Greer,	Tips.
Harrison,	

Absent, excused.

Atlee,	Stafford.
Presler,	

Absent, not excused.

Boren,	McComb,
Dibrell,	Shelburne.

We vote "no" on the question of adopting the report of the conference committee on Senate bill No. 5, because under the provisions of the bill, whenever a premium is paid on bonds purchased, without providing for a return of the amount of the premium to the permanent school fund from which it is taken, a part of the permanent fund is unlawfully and unconstitutionally diverted to the available fund in the amount of the premium paid.

TIPS,
HARRISON,
ROGERS.

Senator Dean entered a motion to reconsider the vote by which the free conference committee report was adopted.

Senator Beall called up Senator Dean's motion to reconsider, and moved to table same.

Senator Dean moved a call of the Senate, which was duly seconded and ordered, the following answering to their names:

Agnew,	Lasker,
Bailey,	Lawhon,
Beall,	Lewis,
Bowser,	McKinney,
Colquitt,	Rogers,
Darwin,	Sherrill,
Dean,	Simpson,
Dickson,	Smith,
Gage,	Steele,
Goss,	Tips,
Greer,	Whitaker,
Harrison,	Woods.

Absent, excused.

Atlee,	Presler,
McComb,	Stafford.

Absent, not excused.

Boren,	Shelburne.
Dibrell,	

Senator Beall moved to excuse the absentees from this call.

Excused by the following vote:

Yeas—16.

Agnew,	Lawhon,
Bailey,	Lewis,
Beall,	Sherrill,
Bowser,	Simpson,
Dickson,	Smith,
Gage,	Steele,
Goss,	Whitaker,
Lasker,	Woods.

Nays—8.

Colquitt,	Harrison,
Darwin,	McKinney,
Dean,	Rogers,
Greer,	Tips.

Absent, excused.

Atlee,	Presler,
McComb,	Stafford,

3—Senate

Absent, not excused.

Boren,	Shelburne.
Dibrell,	

The motion to table the motion to reconsider prevailed.

On motion of Senator Simpson, all absentees were excused for to-day.

The committee to wait upon the Governor and ascertain his pleasure, reported that it had performed its duty, and that the Governor had no further communications to make.

Senator Dickson offered the following:

Be it resolved by the Senate, that Willie Shaw be allowed one dollar per day extra wages for the entire special session of the Twenty-fourth Legislature.

Lost by the following vote:

Yeas—6.

Bailey,	Rogers.
Boren,	Sherrill,
Dickson,	Whitaker.

Nays—15.

Colquitt,	McComb,
Darwin,	McKinney,
Gage,	Simpson,
Goss,	Smith,
Greer,	Steele,
Harrison,	Tips,
Lawhon,	Woods.
Lewis,	

Absent, excused.

Atlee,	Stafford.
Presler,	

Absent, not excused.

Agnew,	Dibrell,
Beall,	Lasker,
Bowser,	Shelburne.
Dean,	

Senator McComb obtained the floor and in an eloquent address, in behalf of the Texas Veteran Association, presented to the State an elegant portrait of the Hon. Reuben Potter, painted by Prof. McArdle and presented to said association.

Senator Bailey offered the following:

Resolved, that the Senate tender its thanks to the Texas Veteran Association for the portrait of Reuben M. Potter, and that the Sergeant-at-Arms be instructed to hang same in an appropriate place in the State library.

Adopted.

The hour fixed by concurrent resolution for the special session of the Legislature to adjourn sine die having arrived, the Senate adjourned sine die.